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09/911,123	07/23/2001	Christina E. Colabella	56145473-17	2409

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805 THIRD AVENUE  
NEW YORK, NY 10022

EXAMINER

FELTEN, DANIEL S

ART UNIT

PAPER NUMBER

3624

DATE MAILED: 05/08/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.  
09/911,123

Applicant(s)  
Colabella et al

Examiner  
Daniel Felten

Art Unit  
3624



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on Feb 12, 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 15-20 is/are allowed.
- 6) ☒ Claim(s) 1-14 and 21-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some\* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\*See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_ 6) ☐ Other:

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## DETAILED ACTION

1  
2 1. Receipt of applicants amendment filed February 10, 2003 adding claims 27-29 is  
3 acknowledged. Claims 1-29 are pending in the application and are presented to be examined  
4 upon their merits.  
5

### *Response to Arguments*

6  
7 2. Applicant's arguments with respect to claims 1-26 have been considered but are moot in  
8 view of the new ground(s) of rejection.  
9

### *Claim Rejections - 35 USC § 103*

10  
11 3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all  
12 obviousness rejections set forth in this Office action:

13 (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth  
14 in section 102 of this title, if the differences between the subject matter sought to be patented and the prior  
15 art are such that the subject matter as a whole would have been obvious at the time the invention was  
16 made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall  
17 not be negated by the manner in which the invention was made.  
18

19 4. Claims 1, 3, 4, 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable  
20 over Gephart (US 6,339,766) in view of Bachman (US 6,315,196) and Wolfberg et al  
21 (hereinafter "Wolfberg", US 4,885,685).  
22  
23  
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1 In claim 1, Gephart discloses an account management system and method for managing a  
2 closing/deactivation of an account of a user, comprising (see Gephart, fig. 5, abstract, col. 2, ll.  
3 54-67,

4 receiving an identifier (*limited-use number--16*) of the account of the user (see Gephart,  
5 fig. 5, col. 4, ll. 45-52),

6 Gephart fails to disclose retrieving status information associated with the identifier  
7 determining from the retrieved status information whether the account is coded to close, and  
8 automatically providing from the retrieved status information a reason why the account has not  
9 been closed if the account is determined to be coded to close.

10 Bachman and Wolfberg disclose account systems and methods for retrieving a close  
11 status and/or account close status information associated with the identifier for determining the  
12 retrieved status information whether the account is coded to close, and automatically providing  
13 from the retrieved status information a reason why the account has not been closed if the account  
14 is determined to be coded to close (see Bachman col. 7, ll. 63 to col. 8, ll. 16; and Wolfberg, col.  
15 26, ll. 66 to col. 27, ll. 15).

16 It would have been obvious for an artisan of ordinary skill at the time of the invention to  
17 integrate the aforementioned features disclosed in Bachman and Wolfberg into Gephart because  
18 an artisan of ordinary skill at the time of the invention would have found such features an  
19 obvious extension to the limited-use account invention because an artisan would recognize the  
20 importance of providing the user with a means to know the various points (in time within the  
21 system) of a close status of an account. Knowing the reason why an limited-use account that  
22 was coded to be closed was still open would provide the user with vital security information that

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1 could prevent thief or fraud. Thus such features would constitute an obvious expedient well  
2 within the ordinary skill in the art.

3 In claim 3, Gephart does not show the step of automatically providing includes  
4 automatically providing a text message explaining why the account has not been closed. This is  
5 disclosed by Wolfberg and Bachman (see Wolfberg col. 27, ll. 4-11; and Bachman, fig. 5, col. 7,  
6 ll. 66 to col. 8, ll. 9 ). It would have been obvious for an artisan of ordinary skill in the art at the  
7 time of the invention Gephart to integrate a text messaging because an artisan at the time of the  
8 invention would recognize the convenience of providing the credit/debit card account user with  
9 a means of communication that would give various points of status within the account. Thus  
10 such a modification would be an obvious expedient well within the ordinary skill in the art.

11 In claim 4, Gephart fails to disclose that the reason the account has not been closed  
12 includes at least one of that the account has an outstanding balance and that a predetermined  
13 number of days have not expired from a request to close date to a date of receipt of the identifier.  
14 This is disclosed by Wolfberg (see Wolfberg col. 26, ll. 66 to col. 27, ll. 15). It would have  
15 been obvious for an artisan of ordinary skill in the art at the time of the invention to provide such  
16 an explanation in the event that the Gephart system had an overdraft due to making a purchase  
17 that over extended the amount of funds within the account. Such a modification would provide  
18 the user with vital information as to the status of the account and allow the user to rectify  
19 problems. Thus to provide such information would be an obvious expedient well within the  
20 ordinary skill in the art.

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1 In claim 13, the identifier is a predetermined account number (see Gephart col. 3, ll. 55-62).

2 In claim 14, the account is a credit card account (see Gephart, col. 2, ll. 18-29 ).

3  
4 5. Claims 2, 6-12 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over  
5 Gephart (US 6,339,766) as modified by Bachman (US 6,315,196) and Wolfberg et al (US  
6 4,885,685)) as applied to claim I as discussed above, and in further view of Joao et al  
7 (hereinafter "Joao", US 5,878,337). The teachings of Gephart as modified by Bachman and  
8 Wolfberg have been discussed above.

9  
10 In claims 2, 6-12 and 16, Gephart as modified by Bachman and Wolfberg fails to  
11 disclose the step of automatically providing a voice message explaining why the account has not  
12 been closed and/or indicating that the account is closed if the account is determined to be closed  
13 and/or indicating the determined date.

14 Joao discloses a transaction security apparatus which may provide automatic notices to  
15 an owner or user of a situation, wherein communication to the user can be conveyed via voice  
16 message (see at least Joao, col. 39, ll. 42+). It would have been obvious for an artisan at the  
17 time of the invention of Gephart as modified by Bachman and Wolfberg to substitute the voice  
18 messaging in Joao for the text messaging in Bachman, because such a substitution would be  
19 considered art recognized equivalence inasmuch as the substitution of a voice messaging  
20 system would provide an alternative means to communicate various reasons for actions that  
21 have been taken regarding a user's account. Thus such a modification would constitute a  
22 matter of design choice as well as an obvious expedient well within the ordinary skill in the  
23 art.

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1     6.     Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gephart (US  
2     6,339,766) as modified by Bachman (US 6,315,196) and Wolfberg et al (US 4,885,685)) and  
3     Joao as applied to claim I as discussed above, and in further view of Longfield (US  
4     5,724,523). The teachings of Gephart as modified by Bachman and Wolfberg and Joao have  
5     been discussed above.

6  
7     In claim 5, Gephart as modified by Bachman and Wolfberg and Joao fail to disclose  
8     determining from the retrieved status information whether a refund is owed to the user on the  
9     account; and determining an amount of the refund if the refund is determined to be owed to the  
10    user. Longfield teaches the aforementioned feature (see Longfield, Abstract). It would have  
11    been obvious for an artisan of ordinary skill in the art at the time of the invention was made to  
12    employ the teachings of Longfield to the teachings of Gephart as modified by Bachman and  
13    Wolfberg and Joao as modified by Joao because and artisan at the time of the invention would  
14    have considered the teaching an obvious extension to Gephart as modified by Bachman and  
15    Wolfberg and Joao inasmuch as an artisan would have considered the teachings of Longfield as  
16    far as accrediting to an account funds to provide credit protection against penalties resulting  
17    from an overdraft. Thus such a modification would have been considered an obvious  
18    expedient well within the ordinary skill in the art.

19  
20    7.     Claims 21-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bachman  
21    (US 6,315,196) in view of Gephart (US 6,339,766) and Joao et al (US 5,878,337) and  
22    Longfield (US 5,724,523).

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1 In claims 21, 27, 28 and 29, Bachman discloses a method for informing a user of an  
2 enrollment status is association with an account (see Bachman, col. 7, ll. 41-62), comprising:  
3 receiving from the user an account identifier (*account number*), retrieving status information  
4 associated with a closing of enrollment status in association with an account according to the  
5 received account identifier (see Bachman, col. 7, ll. 63 to col. 8, ll. 16), and  
6 determining a date the enrollment in association with an account will close if it was determined  
7 that the enrollment in association with the account is not closed (see fig. 3, *24 Month Notice*  
8 *Program Ended--186*). Bachman fails to discloses the status of the account itself and a voice  
9 message system and retrieving status information regarding refund information.

10 Gephart discloses an invention related to account status (see Gephart, Abstract). It  
11 would have been obvious to modify the invention of Bachman to provide information regarding  
12 the status of the account as it is applied to an enrollment status because an artisan at the time of  
13 the invention would have recognized the convenience of providing account status information to  
14 the user of the account to make transactions. Thus such a modification would have been an  
15 obvious expedient well within the ordinary skill in the art.

16 Joao discloses a voice message indicating at least one of the date the account (see at least  
17 Joao, col. 39, ll. 42+). It would have been obvious for an artisan at the time of the invention  
18 of Bachman to integrate or substitute the voice messaging, as taught by Joao, for the text  
19 message of Bachman because such a integration/substitution would have been an alternative  
20 means to communicate account status from the administrator to the user other than textual as  
21 well as provide status information to users who may be visually impaired. Thus such a  
22 modification would have been an obvious expedient well within the ordinary skill in the art.



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1 Furthermore, it would have been obvious for an artisan of ordinary skill in the art to  
2 provide status information regarding a refund of funds within an account, as taught by Longfield  
3 because an artisan at the time of the invention would recognize the use of a refund as an obvious  
4 extension to the teachings of Bachman inasmuch as such a modification would provide user  
5 protective aspects to insure recovery of expended funds for which a transaction could not be  
6 completed. Thus such a modification would have been an obvious expedient well within the  
7 ordinary skill in the art.

8 In claim 22, the account identifier is a predetermined account number (see Bachman,  
9 *account number--136*, col. 7, ll. 52+).

10 In claim 23, the account is a credit card account (see Bachman, Abstract).

11 In claim 24, the date the account will close is determined by adding a predetermined  
12 number of days to a request to close date (see Bachman, Abstract) .

13 In claim 25, the date the user will receive the refund is a predetermined number of days  
14 after a date the account was coded to close and the account had a balance of zero (see Bachman,  
15 Abstract) .

16 In claim 26, wherein the date the security deposit will be applied to the account is  
17 determined by adding a predetermined number of days to a request to close date (see Bachman,  
18 Abstract).

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*Allowable Subject Matter*

8. Claims 15-20 are allowed.

9. The following is a statement of reasons for the indication of allowable subject matter:

The prior art does not show in singularly or in combination the limitation of an apparatus for managing a closing of an account of a user, comprising: a memory unit for storing status information of the account; a response unit connected to the memory unit and operable to receive an identifier of the account; and a determination unit connected to the response unit and operable to receive the identifier from the response unit and to retrieve the status information associated with the identifier from the memory unit, the determination unit further operable to determine whether the account is coded to close from the retrieved status information, and to automatically provide through the response unit a message indicating a reason why the account has not been closed if the account is determined to be coded to close

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*Conclusion*

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Daniel S. Felten** whose telephone number is (703) 305-0724. The examiner can normally be reached between the hours of 7:00AM to 5:30PM Monday-Thursday. Any inquiry of a general nature relating to the status of this application or its proceedings should be directed to the Customer Service Office (703) 306-5631, or the examiner's supervisor **Vincent Millin** whose telephone number is (703) 308-1065.

11. Response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

for formal communications intended for entry, or (703) 305-0040, for informal or draft communications, please label "Proposed" or "Draft".

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to *[daniel.felten@uspto.gov]*.

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly

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1 set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and  
2 Trademark on February 25, 1997 at 1 195 OG 89.

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4  
5 

6 DSF

7 April 28, 2003

  
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